

## **LICENSING SUB-COMMITTEE (TRAFFIC MATTERS)**

MEETING, 8<sup>TH</sup> MAY, 2018

Present – Councillors Donaghy (Chairman), Haslam, Haworth, McKeon and P. Wild.

Councillor Donaghy in the Chair

### **28. MINUTES OF PREVIOUS MEETING**

The minutes of the proceedings of the meeting of the Sub-Committee held on 17<sup>th</sup> April, 2018 were submitted and signed as a correct record.

### **29. EXCLUSION OF PRESS AND PUBLIC**

Resolved – That, under Section 100A(4) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as specified in paragraph 3 (financial and business affairs) of Part 1 of Schedule 12A to the Act; and that it be deemed that, in all the circumstances of the case, the public interest in its exemption outweighs the public interest in its disclosure.

### **30. APPLICATIONS FOR RENEWAL AND MISCONDUCT BY LICENSED PRIVATE HIRE AND HACKNEY CARRIAGE DRIVERS**

The Director of Place submitted a report which provided details of private hire and hackney carriage drivers who had been convicted of offences during the period of their licence.

The drivers and their representatives attended in respect of reports numbered LERC/19/18 and LERC/21/18.

The driver in respect of report numbered LERC/22/18 had requested that the application be deferred for consideration at

the next meeting of the Sub-Committee to enable his representative to attend.

The driver in respect of report numbered LERC/20/18 did not attend.

Resolved:-

(i) That further to Minute 27(iv) of the meeting of this Sub-Committee held on 17<sup>th</sup> April, 2018, the Sub-Committee considered report numbered LERC/19/18 and agreed that the licence to drive a private hire vehicle licence be renewed and suspended for a period of three weeks on the grounds that the driver is not a fit and proper person to hold such a licence at this time.

In coming to its decision, the Sub-Committee was mindful of its duty to protect the public and the traffic offence from August, 2017 of exceeding the passenger vehicle speed limit resulting in a fine and penalty points is an intermediate offence under the Council's policy.

It was acknowledged that the driver had declared the conviction in accordance with the conditions of his licence.

In respect of the conviction from August, 2017, numbered 4 of the report, the Sub-Committee was concerned that the driver had been captured on average speed cameras with a recorded speed of 48mph on a road with a 40mph speed limit. Drivers have a duty to adhere to speed limits at all times and exceeding them can be a real danger to public safety.

The Sub-Committee noted that the driver had previously attended the Sub-Committee in July, 2010 in respect of the offences numbered 1 and 2 of the report. It had been agreed that no action be taken at that time.

It was noted that the Driver had again attended a meeting of this Sub-Committee in December, 2014 in respect of the offence numbered 3 in the report when his licence had been suspended for a period of two weeks.

It had also come to light during the meeting that the driver had been offered a speed awareness course approximately three years ago which indicated additional speeding issues.

The driver's licence had expired on 29<sup>th</sup> April, 2018.

Drivers have a duty to adhere to speed limits at all times and exceeding them can be a real danger to public safety.

There is therefore reasonable cause to renew and suspend the licence as a warning and as a deterrent.

(ii) That consideration of report numbered LERC/20/18 be deferred to the next meeting of this Sub-Committee due to the non-attendance of the driver, with a decision on the report being made at the next meeting whether the driver is in attendance or not.

(iii) That, in respect of report numbered LERC/21/18, the licence to drive a hackney carriage vehicle be renewed and that a warning letter be issued to the driver regarding future speeding.

In coming to its decision, the Sub-Committee was mindful of its duty to protect the public and the traffic offence from September, 2017 of exceeding the statutory speed limit on a motorway resulting in a fixed penalty is an intermediate offence under the Council's Policy.

It was acknowledged that the driver had declared the conviction in accordance with the conditions of his licence. He had declared the conviction as an SP40 however, during an online DVLA enquiry by the Licensing Officer, it had been confirmed that the offence was actually an SP50 that had been recorded on a variable speed limit automatic camera device on the M6.

The licence to drive a hackney carriage vehicle had expired on 31<sup>st</sup> October, 2017.

Drivers have a duty to adhere to speed limits at all times and exceeding them can be a real danger to public safety. There was therefore reasonable cause to issue a warning letter regarding future speeding.

(iv) That, at the request of the driver, consideration of report numbered LERC/22/18 be deferred until the next meeting of this Sub-Committee to enable the driver's representative to attend the meeting with him.

(The meeting started at 1.15pm and finished at 2.45pm)